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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 21 25

UNITED STATES OF AMERICA,	)	Mag. Case Number: ______
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF
v.	)	
	)	Title 21, U.S.C., Sections 952 and 960
Felipe De Jesus MARTINEZ-ROJO	)	Importation of a Controlled Substance
Defendant,	)	

The undersigned complaint being duly sworn states:

On or about July 11, 2008, within the Southern District of California, Felipe De Jesus MARTINEZ-ROJO did knowingly and intentionally import approximately 3.55 kilograms of heroin, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SPECIAL AGENT
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF JULY, 2008.

Hon. Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent William Pena, declare under penalty of perjury, the following is true and correct:

On July 11, 2008, at approximately 2:20 PM, Felipe Flores MARTINEZ-ROJO applied for admission into the United States from the Republic of Mexico through the San Ysidro, California, Port of Entry. MARTINEZ-ROJO was the driver and sole occupant of a 1997 Honda Civic bearing Mexican license plates number AHX7598.

On July 11, 2008, at approximately 2:15 PM, a Narcotic Detection Dog assigned to pre-primary duties alerted to the presence of a narcotic odor emmitting from the passenger side rear quarter panel area of the 1997 Honda Civic driven by MARTINEZ-ROJO.

Customs and Border Protection Officer (CBPO) Dario Flores made contact with MARTINEZ-ROJO. MARTINEZ-ROJO gave CBPO Flores two negative Customs declarations and said that he was destined for San Ysidro, California. MARTINEZ-ROJO stated that he was the owner of the vehicle. CBPO Flores escorted the vehicle and the occupants to the Vehicle Secondary Lot for further inspection. CBPO Flores escorted MARTINEZ-ROJO to the security office. The vehicle was turned over to the Vehicle Secondary Security Office.

CBPO Daniel Madero conducted a seven-point inspection of the vehicle and discovered two packages wrapped in carbon paper concealed in the passenger side rear right quarter panel. CBPO Madero probed the contents of one of the packages containing a brown powdery substance, which field-tested positive for heroin. A total of two packages were removed from 1997 Honda Civic. The packages had a total weight of 3.55 kilograms. CBPO Clark placed MARTINEZ-ROJO under arrest for transporting a controlled substance.

On July 11, 2008, at approximately 3:15 PM, Immigration and Customs Enforcement (ICE) Special Agent William Pena advised MARTINEZ-ROJO of his rights per Miranda in the Spanish language. ICE Special Agent Andrew Flood witnessed this advisement of rights. MARTINEZ-ROJO stated that he understood his rights and was willing to answer questions without having an attorney present. MARTINEZ-ROJO stated that he is the registered owner of the 1997 Honda Civic bearing Mexican license plates number AHX7598. MARTINEZ-ROJO further claimed to have purchased the vehicle approximately two to three months ago. MARTINEZ-ROJO admitted that he had been hired to drive the vehicle with drugs concealed in it for $500.00. He also admitted that although he knew that there were drugs concealed in the vehicle he did not know what kind.

CONTINUATION OF PROBABLE CAUSE STATEMENT
RE: Felipe De Jesus MARTINEZ-ROJO

Felipe De Jesus MARTINEZ-ROJO was arrested and charged with violation of Title 21 United States Codes 952 & 960, Importation of a Controlled Substance. MARTINEZ-ROJO was booked into the Metropolitan Correctional Center, San Diego, CA.

Executed on July 11, 2008

William Pena
Special Agent,
U.S. ICE

On the basis of the facts presented in the probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on July 11, 2008, in violation of Title 21, United States Code, Section (s) 952 & 960.

Hon. Cathy A. Bencivengo
United States Magistrate Judge

7/13/08 @ 9:49am
Date/Time